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OFFICE OF PETITIONS

In re Application of :
Templeton and Bhargava :
Application No. 09/901,954 : DECISION ACCORDING STATUS
Filed: 10 July, 2001 : UNDER 37 CFR 1.47(a)
Attorney Docket No. PAY00-003 :

This is in response to the petition filed under 37 CFR 1.47(a) on 12 October, 2001.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor, Sanjay Bhargava, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration of petitioner's registered patent attorney, Daniel E. Vaughan, establishes that the inventor was sent a copy of the application, but refused orally to sign and return the declaration naming him as a joint inventor along with James E. Templeton.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the in the petition, not the declaration.

Notice of the filing of this application will also be published in the Official Gazette.

It is noted that the declaration filed with on 10 July, 2001, is defective in that it does not state that the person(s) making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person(s) to be material to patentability as defined in 37 CFR 1.56. Rather, the declaration incorrectly acknowledges a duty to disclose all information material to examination of the application. A new oath or declaration in compliance with 37 CFR 1.63 and 1.67 must be submitted when required by the examiner.

Counsel's deposit account, No. 50-1801, will be charged the surcharge of \$130.00, as authorized in the petition, for late filing of an oath or declaration because the petition was not filed with the application papers on 10 July, 2001.

The application is being forwarded to Technology Center 2100 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy